

REMARKS

Claims 1-20 have been examined.

I. Preliminary Matters

The Examiner has objected to claims 5-10 and 14-20 as being in improper multiple dependent claim form.

In view of the above, Applicant has amended the dependency of claims 6-10 and 16-20 and respectfully requests that the Examiner treat the claims on their merits in the next Office Action.

In regard to claims 5, 14 and 15, Applicant traverses the Examiner's objection.

In particular, claim 5 is a singular dependent claim that is dependent upon multiple dependent claim 4. It is not improper for a singular dependent claim to depend from a multiple dependent claim (see MPEP 608.01(n)). Thus, Applicant submits that claim 5 should have been treated on the merits in the present Office Action.

Turning to claim 14, Applicant submits that use of the term "either" renders the claim acceptable (MPEP 608.01(n)). Furthermore, similar to claim 5, claim 15 is a singular dependent claim that is dependent upon proper multiple dependent claim 14. Thus, Applicant submits that claims 14 and 15 also should have been treated on their merits.

Irrespective of the above, Applicant has amended claim 14 to be a singular dependent claim.

Also, on page 3 of the Office Action, the Examiner objects to claims 11-14 as not being in proper “means” format. Accordingly, Applicant has amended the claims in a manner believed to overcome the objection.

II. Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1-4 and 11-14 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

In regard to claim 1, the Examiner maintains that the claim is directed to a method but does not recite steps or processes involved in the method. Applicant respectfully traverses this assertion. For example, while original claim 1 does not recite the method steps in a traditional manner, a method is clearly encompassed by the claim. In particular, claim 1 recited that radioactivity “is measured,” results of the measurements “are transmitted,” and the computer “calculates” the results of the rate of dilution. Nevertheless, to expedite prosecution, Applicant hereby amends the claims as requested by the Examiner, i.e., using “measuring” instead of “measured,” “transmitting” instead of “transmitted,” etc.

In regard to claims 11-14 and in further regard to claims 1-4, the Examiner maintains that certain recitations lack sufficient antecedent basis. Accordingly, Applicant has amended the claims in a manner believed to overcome the rejection.

III. Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 1-4 under 35 U.S.C. § 101. Similar to the rejection of claims 1-4 under 35 U.S.C. § 112, second paragraph, the Examiner maintains that the claims do not recite a proper process. Without conceding to the Examiner's position, Applicant hereby amends the claims in a manner believed to overcome the rejection.

IV. Newly Added Claims

By this Amendment, Applicant has added claims 21-28 to provide more varied protection of the present invention.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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